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RICHARD J. HAYES, JR.

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**8404 LEE'S RIDGE ROAD
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PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

TELEPHONE (540) 349-9970
FACSIMILE (202) 478-0048

December 7, 1998

Ms. Magalie Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

RE: Petition to Amend the FM Table of Allotments
Ranier, Oregon
Washington Interstate Broadcasting Company, Inc. Petitioner

Dear Ms. Salas:

Transmitted herewith, on behalf of Washington Interstate Broadcasting Company, Inc., through counsel, is an original and six (6) copies of a "Petition to Amend the FM Table of Allotments" (47 C.F.R. 73.202(b)).

Washington Interstate Broadcasting Company, Inc. requests Commission consideration regarding the addition of a new, first local broadcast service at Ranier, Oregon, an incorporated community.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,

By: *Richard J. Hayes*
Richard J. Hayes, Jr., Esquire
Counsel to: Washington Interstate
Broadcasting Company, Inc.

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

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DEC - 7 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF:

AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
RANIER, OREGON

BC DOCKET NO: _____
RM NO: _____

TO: CHIEF, ALLOCATIONS BRANCH

PETITION FOR RULE MAKING

COMES NOW, Washington Interstate Broadcasting Company, Inc., through counsel, and pursuant to the provisions of Section 1.401 of the Commission's Rules (47 C.F.R.1.401) requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Washington Interstate Broadcasting Company, Inc. hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to include a new, first local broadcast service at Ranier, Oregon on Channel 252A. Washington Interstate Broadcasting Company, Inc. requests that the FM Table of Allotments be amended as follows:

Location	Present	Proposed
Ranier, Oregon	-----	252A

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

1. PRELIMINARY STATEMENT

A. FIRST, LOCAL BROADCAST SERVICE

The purpose of this request is to provide a much needed, first, local broadcast service to the community of Ranier, Oregon. At present, Ranier, Oregon, an incorporated community, does not enjoy the service of either an AM or FM facility. The Petitioner proposes that the Commission amend the FM Table of Allotments to allot Channel 252A to Ranier, Oregon as that community's first, local broadcast service. Ranier is a continuously growing community with a progressive business attitude. Ranier has a current population of 1,655 persons. The proposed FM facility will serve all of the citizens of Ranier and will encompass an area of approximately 3,004 square kilometers. The total number of persons served by the facility will be approximately 94,942. Clearly, this proposed facility will provide first local service to a substantial population and will further the Commission's goal of diversity of expression in the marketplace.

B. EFFICIENT USE OF SPECTRUM

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing a first, local FM broadcast service at Ranier, Oregon. The Amendment of Section 73.202(b) of the Commission's Rules to include Channel 252A at Ranier, Oregon, would provide coverage to a substantial area and population. Certainly, the citizens of Ranier and, additionally, those citizens in the predicted 1.0 mV/m contour of the proposed facility, would benefit from a first, full time, local FM broadcast service. No other person or community has expressed any interest in this channel at Ranier, Oregon.

II. ENGINEERING CONSIDERATIONS

A. Substantial Area to Receive Additional Service

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that Channel 252A would provide city-grade coverage to Ranier, Oregon.

Channel 252A may be allotted consistent with the mileage separation and city-grade service requirements of the Commission's Rules. It should be noted that Channel 254C1 has been substituted for Channel 253C Portland and that Station KUPL has pending before the Commission an application for a license to cover the construction permit on that new channel. Accordingly, this Petition should be processed without regard to Channel 253C in Portland. The consideration of all factors shows that this proposal can be accommodated and that Channel 252A can be added to the FM Table of Allotments at Ranier, Oregon without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted. Finally, the allotment of Channel 252A at Ranier, Oregon results in first, local broadcast service.

III. PETITIONER'S INTENTION TO APPLY FOR CHANNEL 252A

If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the Rules of the Commission, to file an application for a construction permit, and if awarded the permit, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

IV. SUMMARY

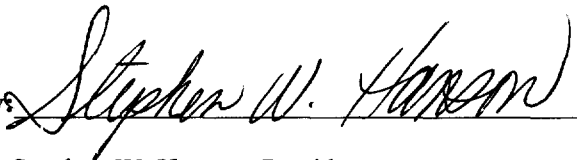
No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and, furthermore, a substantial new area of service will be added. As indicated above, a grant of this "Petition" will provide a much needed, first, local, FM broadcast service to Ranier, Oregon. This "Petition" would, if granted, provide for an efficient utilization of both Commission and spectrum resources.


WASHINGTON INTERSTATE BROADCASTING COMPANY, INC.
PETITION FOR RULE MAKING
PAGE FOUR

THEREFORE, in view of the foregoing facts, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to allot FM Channel 252A to Ranier, Oregon.

Respectfully submitted,

WASHINGTON INTERSTATE BROADCASTING COMPANY, INC.

By: 
Stephen W. Hanson, President

By: 
Richard J. Hayes, Jr.
Counsel to
Washington Interstate Broadcasting Company, Inc.

Richard J. Hayes, Jr.
Attorney at Law
8404 Lee's Ridge Road
Warrenton, Virginia 20186

540-349-9970

Date: November 24, 1998

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
RANIER, OREGON**

**BC DOCKET NO: _____
RM NO: _____**

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the Petition for Rule Making submitted by Washington Interstate Broadcasting Company, Inc. requesting the allotment of Channel 252A to Ranier, Oregon.
2. Channel 252A can be allotted to Ranier, Oregon in compliance with the Commission's minimum distance separation requirements as evidenced in the attached engineering statement. Petitioner states that the public interest would benefit from the allotment of this channel as it would provide Ranier with its first, local FM broadcast service.
3. In order to effectuate this proposal, the Commission proposes to amend the Table of Allotments, Section 73.202(b) of the Commission's Rules with respect to the following community:

	Present	Proposed
Ranier, Oregon	-----	252A

4. The Commission's authority to institute rule making proceedings, showings required, cutoff procedures, and filing guidelines are incorporated by reference, herein. NOTE: A showing of continuing interest is required by Paragraph 2 of the Appendix before a channel will be assigned.

Notice of Proposed Rule Making
Page Two

5. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the Petitioner, as follows:

Richard J. Hayes, Jr., Esquire
8404 Lee's Ridge Road
Warrenton, Virginia 20186
Counsel to Washington Interstate Broadcasting Company, Inc.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b), of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact the Mass Media Bureau (202) 418-2710. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau



OWL ENGINEERING, INC.

**CONSULTING COMMUNICATIONS ENGINEERS
EMC TEST LABORATORIES**

**8899 Hastings St. NE, Minneapolis, MN 55449
(612) 785-4115 • Fax (612) 785-4631
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**ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON INTERSTATE BROADCASTING, INC.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
RAINIER, OREGON**

November 16, 1998

**ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON INTERSTATE BROADCASTING, INC.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 252 RAINIER, OREGON**

Owl Engineering, Inc. has been retained by Washington Interstate Broadcasting, Inc. (Hereafter "WIB") to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Rainier, Oregon	None	252A

The reference coordinates for Rainier used in this study are:

**46° 12' 24" North Latitude
123° 02' 18" West Longitude**

These coordinates are based on the reference coordinates for the transmitter location needed to provide coverage to the community of Rainier, Oregon. No site restriction is required. The community of Rainier has a population of 1,655 persons based on 1990 US Census data.

An engineering study was performed to determine compliance with FCC Rule Section 73.207 regarding the Commission's minimum mileage spacing requirements. Included, as Engineering Exhibit E-1, is a channel allocation study based on the reference coordinates listed above. Inspection of Engineering Exhibit E-1 also reveals that the nearest possible conflict is with KING-FM on Channel 251C. The required mileage separation to KING-

**ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON INTERSTATE BROADCASTING, INC.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 252 RAINIER, OREGON**

FM is 165 km and the proposed reference coordinates are 165.5 km, which is clear by 0.5 km. In addition, there is a short-spaced condition noted with KUPL-FM on channel 253C. This condition is eliminated since KUPL-FM was ordered to channel 254C1 by Report and Order #44049. Based on these facts, the reference coordinates provide the required separation and satisfies the requirements of Section 73.207.

Further analysis was performed to determine compliance with FCC Rule Section 73.315 regarding City Grade (70 dBu) service to the community of Rainier. The effective antenna height for each of the eight standard 45-degree spaced radials, along with the radial through the principal community was used in conjunction with the F(50,50) metric curves of Figure 1 of Section 73.333 of the Rules was used to determine the distances to the 70 dBu coverage contour, as required by the Rules. This analysis shows that all of Rainier will receive a signal in excess of 70 dBu, thereby meeting the coverage requirements of the Rules. Figure 1 shows the predicted 70 dBu signal coverage contour. As can be seen from this exhibit all of Rainier, Oregon will be served by the required signal coverage contour (70 dBu).

An engineering study was performed to determine the number of persons predicted to be served by a Class A facility located at the reference coordinates. The 60 dBu contour was calculated for a maximized Class A facility and it was determined that a total of 94,942 persons are encompassed in the 60 dBu signal coverage area.

**ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON INTERSTATE BROADCASTING, INC.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 252 RAINIER, OREGON**

A terrain study was performed to demonstrate that there are no obstructions that would cause signal degradation in the path between the reference coordinates and the far end of Rainier, Oregon. Since the distance from the reference coordinates to the center of Rainier, Oregon is 15 kilometers the path study distance of 18 kilometers was used. This guaranteed that all of Rainier, Oregon would be included in the analysis. Figure 2 shows the terrain study and clearly shows that no obstructions are evident in the radio path.

Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Rainier, Oregon with a first local full time broadcast service.
2. The proposal meets the requirements of FCC Rule Section 73.315.
3. The proposal meets the requirements of FCC Rule Section 73.207.
4. Based on 1990 US Census data, 94,942 persons will be served by a signal of 60 dBu or greater with a transmitter located at the reference coordinates.
5. All of Rainier, Oregon is predicted to be served with at least a 70 dbu signal.

**ENGINEERING STATEMENT ON BEHALF OF
Washington Interstate Broadcasting, Inc.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
Rainier, Oregon**

ENGINEERING EXHIBIT E-1

CHANNEL ALLOCATION STUDY

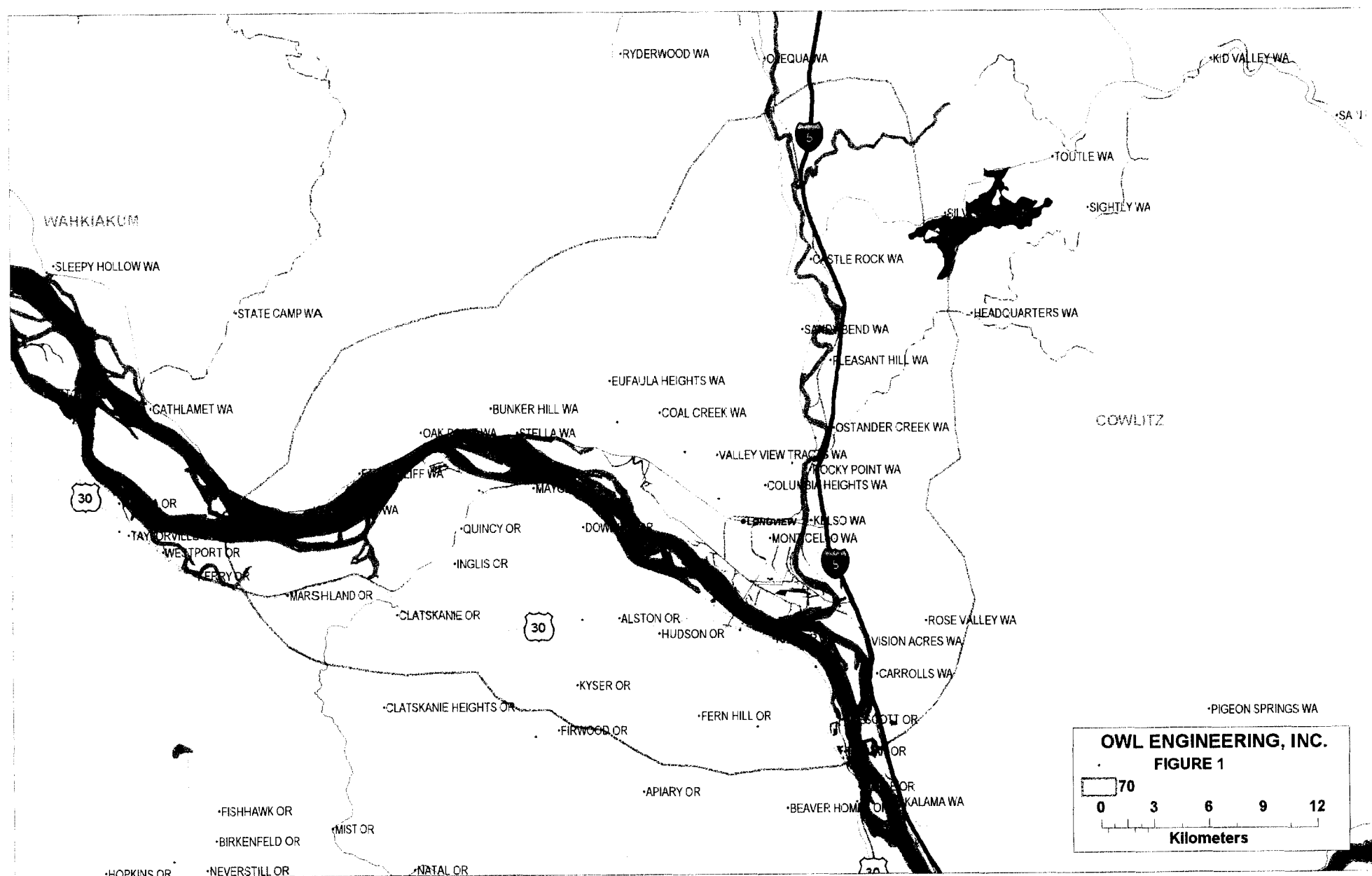
***** FM CHANNEL SPACING STUDY *****

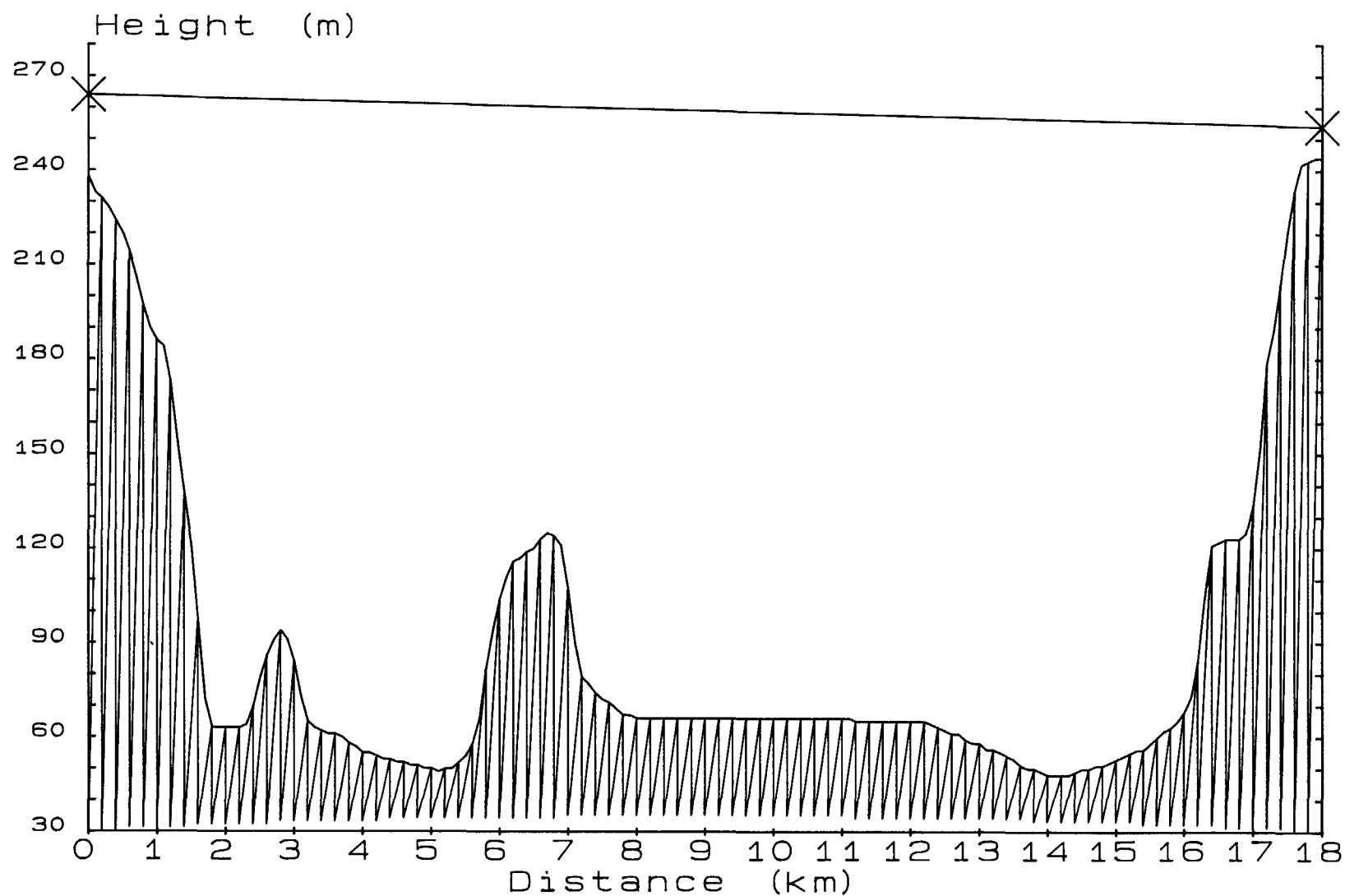
Job title: Rainier, Oregon
Proposed latitude: N 46 12 24.00
Proposed longitude: W 123 2 18.00
Database file name: C:\FCCData\Fm981115
Use pre-1989 Class A spacings?: N

Proposed channel: 252A

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
249C2	KACIFM	25151	The Dalles	OR	LIC	113.8	150.4	55.0	
251C	KINGFM	25178	Seattle	WA	LIC	28.9	165.5	165.0	0.5
255C	KWJZ	25179	Seattle	WA	LIC	28.9	165.5	95.0	
253C	KUPLFM	25636	Portland	OR	LIC	155.3	92.0	165.0	-73.0
254C1	KUPLFM	25638	Portland	OR	CP	162.8	80.3	75.0	5.3
254C1	KUPLFM	25639	Portland	OR	APP	162.7	80.4	75.0	5.4
252C3	ALLOTM	26052	Dallas	OR	VACANT	188.7	144.8	142.0	2.8
251A	KCYS	26091	Seaside	OR	LIC	248.3	75.1	72.0	3.1
249A	KSWW	26135	Raymond	WA	APP	314.3	78.3	31.0	
249C1	KSWW	26136	Raymond	WA	APP	339.5	82.5	75.0	7.5
249C1		26137	Oakville	WA	ADD	337.6	90.0	75.0	
249C3		26138	Raymond	WA	DEL	314.3	78.3	42.0	
249A	KSWW	26139	Raymond	WA	LIC	314.3	78.3	31.0	
249C1	ALLOTM	26140	Raymond	WA	VACANT	314.3	78.3	75.0	3.3
249C3	ALLOTM	26141	Raymond	WA	VACANT	314.3	78.3	42.0	
253C	CFMSFM	26187	Victoria	BC	VACANT	351.9	248.5	195.0	

***** End of channel 252 study *****





Radio Path

Owl Engineering, Inc.
8899 Hastings St. NE

Minneapolis Minnesota
(612) 785-4115

Figure 2

**ENGINEERING STATEMENT ON BEHALF OF
WASHINGTON INTERSTATE BROADCASTING, INC.
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 252 RAINIER, OREGON**

AFFIDAVIT

RAMSEY COUNTY)
)
STATE OF MINNESOTA) ss:

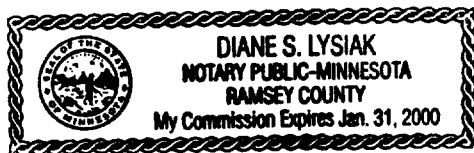
Garrett G. Lysiak, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Blaine, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



A handwritten signature in black ink that reads "Garrett G. Lysiak".

Garrett G. Lysiak, P.E.

Subscribed and sworn to before me this date November 16, 1998.



A handwritten signature in black ink that reads "Diane S. Lysiak".

Diane S. Lysiak
Notary Public

My commission expires January 31, 2000